

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOHNNY THOMAS, a Bankruptcy § 5:16-CV-951-DAE
Trustee of Performance Products, Inc. §
and CAROLYN PEARCY, in her §
capacity as Trustee of the Pearcy Family §
Trust, Trustee of the Pearcy Marital §
Trust, and Executor of the Estate of §
James Pearcy, §
§
Plaintiffs, §
§
vs. §
§
LOU ANN HUGHES, ADVANCED §
PROBIOTICS, LLC, and §
PERFORMANCE PROBIOTICS, LLC, §
§
Defendants. §

AMENDED CHARGING ORDER

Came on for consideration the Motion to Amend Charging Order filed by Plaintiffs Johnny Thomas, bankruptcy trustee of Performance Products, Inc., and Carolyn Pearcy, in her capacities as Trustee of the Pearcy Marital Trust and Executor of the Estate of James Pearcy. (Dkt. # 256.) Having considered the pleadings, the evidence, and the argument of counsel, the Court concludes that the requested Amended Charging Order¹ should be granted and enters the following

¹ The Fifth Circuit affirmed this Court's original Charging Order (Dkt. # 235) as

order:

1) Lou Ann Hughes (“Hughes”) is a judgment debtor and a member of M. G. & Sons, LLC. The sole asset of M. G. & Sons, LLC is real estate (the “Property”) with the following Bexar County Appraisal District property description:

0.4933 acres, more or less, in Bexar County, Texas
Legal Description: NCB 12051 BLK LOT 36 EXC SE IRR 5.63
FT OF 36
Bexar County Appraisal District Tax ID number 498153
Bexar County Appraisal District Geographic ID: 12051-000-
0361
also known as 737 Isom Road, San Antonio, Bexar County,
Texas 78216-4027

The Property was previously owned by Hughes before she created M. G. & Sons, LLC.

2) The jury found that Hughes engaged in fraudulent transfers and used Performance Products, Inc. and Performance Probiotics, LLC as a sham to perpetrate a fraud and to avoid an obligation and hinder Pearcy’s collection of the judgment in *Cause No. C2007-0787D, Pearcy v. Hughes and Performance Products, Inc., in the 433rd Judicial District Court of Comal County, Texas* (the “State Court Lawsuit”).

3) The Court awards Plaintiffs a charging order as follows:

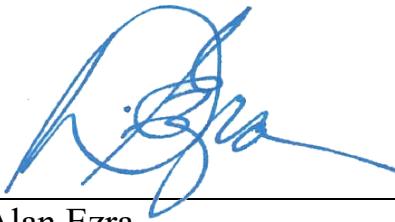
modified. The modifications are reflected in this Amended Charging Order.

- a. The membership interest of Hughes in M. G. & Sons, LLC is charged to satisfy this Court's judgment. (Dkt. # 189.) This charging order constitutes a lien on the membership interest of Hughes in M. G. & Sons, LLC.
- b. Plaintiffs have the right to receive any distribution to which Hughes would otherwise be entitled in respect of her membership interest in M. G. & Sons, LLC. Any membership distributions, profits, cash, assets, or other monies due or that shall become due to Hughes by virtue of her membership in M. G. & Sons, LLC shall be paid by Hughes, M. G. & Sons, LLC, and/or any third party to the Plaintiffs through their counsel of record.
- c. Hughes must obtain leave of this court before a) transferring the Property to any third party; b) transferring any M. G. & Sons funds to any third party except for transactions in the ordinary course of business; or c) transferring Hughes' interest (or any part thereof) in M. G. & Sons, LLC to any third party.
- d. This order may be filed with the corporate records of M. G. & Sons, LLC in the office of the Texas Secretary of State, the real property records of Bexar County, Texas, and with any other

court, administrative body, state agency, or subdivision of the
State of Texas.

IT IS SO ORDERED.

DATED: San Antonio, Texas, April 29, 2022.

A handwritten signature in blue ink, appearing to read "David Alan Ezra".

David Alan Ezra
Senior United States District Judge